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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/796,370	03/09/2004	Charles N. Shaver	200314661-1	2281

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EXAMINER

SHIN, CHRISTOPHER B

ART UNIT	PAPER NUMBER
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2181

DATE MAILED: 12/12/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/796,370

Applicant(s)

SHAYER ET AL.

Examiner

Christopher B. Shin

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 September 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2-13 and 15-29 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 11, 15-20 and 23-29 is/are rejected.
- 7) ☒ Claim(s) 12-13 & 21-22 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. The Amendment received September 22, 2006 has been entered and carefully considered. Claims 1 & 14 have been cancelled; claims 2-13 & 15-29 are pending in the application. The examiner notes that the applicant has amended the limitations of claims 2-13, 15-16 & 26-28. Claims 17-25 & 29 are original claims.

Allowable Subject Matter

2. Claims 2-10 are allowed.
3. Claims 12-13, 21-22 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

4. Applicant's arguments filed September 22, 2006 have been fully considered but they are not persuasive.
 - a. On pages 10-14, argument regarding the 101 rejection, the 101 rejection was proper because the claims are not limited to tangible embodiments. In view of Applicant's disclosure, [0017], the medium is not limited to tangible embodiments. As such, the claims are not limited to statutory subject matter and are therefore non-statutory. To overcome this rejection the claims need to be amended to include only the physical computer media and not a transmission media or other intangible or non-functional media.

- b. The applicant should update and understand the latest guidelines and policies regarding the 101. For example, see the Interim Guidelines published in the Federal Register December, 20, 2005 and open for comments until June 30, 2006 & Updated MPEP 2106.01. If the applicant disagrees with the Guidelines of the Patent & Trademark Office, the applicant should appeal to the Board.
5. Applicant's arguments with respect to claims 11, 15-20 and 23-29 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 101

6. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

7. Claims 24-25 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. As in claims 24-25, the limitations of claims 24-25 lack practical application. In addition, the claimed "medium" includes "transmission media", as supported by the specification, i.e., [0017], is not a patentable subject matter.

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and

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the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 11, 15-20 & 23-29 are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over McIntyre et al. (6,229,538).

a. In figure 1 & 10-15 and the accompanying description teaches the all claimed limitations that are functionally equivalent or substantially identical.

Claims 11, 15-16, 29 McIntyre et al. (figures 1, 10-15)

- A method for controlling a port comprising
 - Figure 13
- A programmatically setting a mode control signal that identifies whether a port is to be in a power mode or a non-powered mode,
 - Figure 13, (1310) or (1318)
- where the programmatically setting includes: displaying port configuration options including at least the power mode and the non-powered mode
 - figure13
- allowing a user to make a configuration selection from the port configuration options for a selected port; and setting the mode control signal in accordance with the configuration selection
 - Column 14, lines 1-34
- if the mode control signal indicates the powered mode, applying power to the port; if the mode control signal indicates the non-powered mode, disconnecting power to the port and configuration the port to the process data signals
 - feature of figures 13, column 13, lines 1-34 & column 16, lines 3-42
- setting mode flag for the selected port in response to the configuration selection
 - feature of figure 10 & figure 13, column 13, lines 1-34 & column 16, lines 3-64
- reading, during initialization of the port, the port mode flag and setting the mode control signal based on the port mode flag
 - feature of figure 10 & figure 13, column 13, lines 1-34 & column 16, lines 3-64

- the programmatically setting step includes generating an electrical signal to set the mode control signal
 - feature of figure 10 & figure 13, column 13, lines 1-34 & column 16, lines 3-64

Claims 17-20, 23, 26-28McIntyre et al. (figures 1, 10-15)

- A port having a plurality of pins configured to operably connect the system to an external device
 - Feature of ports on figure 13
- A circuit operably connected to at least one pin in the port and configured to provide a signal processing function
 - Feature of figure 10 connected to port of figure 13
- A port mode controller operably connected to the circuit and configured to change a mode of the circuit between providing the signal processing function and providing power; and
 - feature of figures 13, column 13, lines 1-34 & column 16, lines 3-42
- A graphical user interface configured to allow a user to select a port configuration for the port including a powered mode and a non-powered mode, where the port mode controller changes the mode of the circuit based on the port configuration
 - Feature of figure 13, column 15, lines 27-34
- The circuit includes a powered port logic configured to apply power to the at least one pin
 - feature of figures 13, column 13, lines 1-34 & column 16, lines 3-42
- Programmatically selectable in response to user selection option
 - Feature of figure 13, column 15, lines 27-34
- where the port mode controller includes a switching logic configured to disconnect the signal processing function of the circuit and connect the powered port logic when the port configuration indicates the powered mode
 - feature of figures 13, column 13, lines 1-34 & column 16, lines 3-42
- input/output controller chip configured to process input/output signals between the system and the port
 - feature of (310 and 320)
- input/output controller being configured to generate a mode control signal that causes the port mode controller to change the mode of the circuit where the mode control signal is generated in accordance with the port configuration
 - feature of figure 10 & figure 13, column 13, lines 1-34 & column 16, lines 3-64

- the programmatically setting step includes generating an electrical signal to set the mode control signal
 - feature of figure 10 & figure 13, column 13, lines 1-34 & column 16, lines 3-64

Claims 17-20, 23, 26-28McIntyre et al. (figures 1, 10-15)

- A port having a plurality of pins configured to operably connect the system to an external device
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- A port mode controller operably connected to the circuit and configured to change a mode of the circuit between providing the signal processing function and providing power; and
 - feature of figures 13, column 13, lines 1-34 & column 16, lines 3-42
- A graphical user interface configured to allow a user to select a port configuration for the port including a powered mode and a non-powered mode, where the port mode controller changes the mode of the circuit based on the port configuration
 - Feature of figure 13, column 15, lines 27-34
- The circuit includes a powered port logic configured to apply power to the at least one pin
 - feature of figures 13, column 13, lines 1-34 & column 16, lines 3-42
- Programmatically selectable in response to user selection option
 - Feature of figure 13, column 15, lines 27-34
- where the port mode controller includes a switching logic configured to disconnect the signal processing function of the circuit and connect the powered port logic when the port configuration indicates the powered mode
 - feature of figures 13, column 13, lines 1-34 & column 16, lines 3-42
- input/output controller chip configured to process input/output signals between the system and the port
 - feature of (310 and 320)
- input/output controller being configured to generate a mode control signal that causes the port mode controller to change the mode of the circuit where the mode control signal is generated in accordance with the port configuration
 - feature of figure 10 & figure 13, column 13, lines 1-34 & column 16, lines 3-64

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- a memory for storing the port configuration
 - figure 10 (1002, 1006)
- a mode indicator configured to visually indicate the port configuration of the port
 - Feature of figure 13, column 15, lines 27-34

Claims 24-25 McIntyre et al. (figures 1, 10-15)

- Providing a port mode option that indicates whether a port is to be in a powered mode; and
 - Figure 13
- Programmatically configured the port mode option based on a user selection where the port mode option is configured to cause logic to change an operation mode of the port
 - feature of figure 10 & figure 13, column 13, lines 1-34 & column 16, lines 3-64
- Determine the port mode
 - Figures 6, 10 (310)
- Display an indicator that represents the port mode
 - Feature of figure 13, column 15, lines 27-34

b. Since the teachings of McIntyre reference, though the claimed invention and the McIntyre reference are exactly identical, as can be seen from above teaching details, teaches all of the functionally equivalent or substantially identical; therefore, it would have been anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over McIntyre reference to one skilled in the art to come up with the invention, for the reasons stated above.

c. The examiner relies on the entire teachings of McIntyre reference; therefore, the applicant should carefully consider the entire teachings before responding to this office action.

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10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher B. Shin whose telephone number is 571-272-4159. The examiner can normally be reached on 6:30-5:00 M,Tu,Th,F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fritz Fleming can be reached on 571-272-4145. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Christopher Shin
Primary Examiner
Of 2181

December 7, 2006
cbs

A handwritten signature in black ink, appearing to be 'C. Shin', written in a cursive style.